

THE INGBER LAW FIRM  
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March 4, 2013

**VIA ECF**

Honorable Anne E. Thompson, U.S.D.J.  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Room 2020  
Trenton, NJ 08608

Re: GAME Apparel, LLC v. Anthony S. Prisco, Matrix Salesgroup LLC, v. John M. Wortley, Kimberly A. Nelson, Philip Dangel and Brett E. Grossman, and Christopher Bennett; Civil Action No. 12-cv-01339 (AET-TJB)

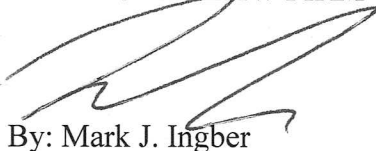
Dear Judge Thompson,

We represent Counterclaim Individual Defendant Christopher Bennett in the above-captioned matter. In light of the Court's SO ORDERED Stipulation of Dismissal (Docket No. 48) and due to Defendant Matrix's failure to amend its pleadings within 10 days, i.e. October 11, 2012, as required by the Court's October 1, 2012 Opinion (Docket No. 33) dismissing Matrix's claims against the Individual Defendants for failure to state a claim in accordance Fed. R. Civ. P. 8, Defendant Christopher Bennett respectfully requests that the Court's October 1, 2012 Opinion be converted to a dismissal *with prejudice* as per Docket No. 44. Matrix has withdrawn its Motion for Leave to File an Amended Pleading and has not expressed an intention to re-file said motion (Docket No. 48).

Therefore, in the interests of justice and to clarify and finalize the dismissal of all claims against him, Defendant Christopher Bennett respectfully requests that the Court grant this petition to convert the Court's October 1, 2012 Order to a dismissal with prejudice.

Respectfully Submitted,

THE INGBER LAW FIRM



By: Mark J. Ingber

SO ORDERED: \_\_\_\_\_

Anne E. Thompson, U.S.D.J.

cc: Jeffrey Miller and Jessie C. Basner, Esqs. (via email)